

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JENNIFER KILGORE, and SHIRLEY HOWARD
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:25CV55-TBM-RPM

**THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT
AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL
AND ELECTED CAPACITY AND THE MOSS POINT
CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY,
INTELLISAFE, LLC, JOHN DOES 1-10, AND
ACME COMPANIES 1-10**

DEFENDANTS

**DEFENDANT, INTELLISAFE, LLC'S, MOTION TO DISMISS OR, IN THE
ALTERNATIVE, MOTION TO STAY**

Defendant files this Motion to Dismiss and states:

1. Plaintiffs Kilgore and Howard filed the subject lawsuit claiming that their constitutional rights were violated through Defendants' traffic enforcement program along with state law claims. Plaintiffs also seek a declaratory judgment, injunctive relief, and request a class action.
2. Defendants' traffic enforcement program utilizes manually operated radar and integrated cameras to enforce speeding violations in Moss Point, MS. Defendants sent Plaintiffs citations for speeding via said program which offered a diversion program in lieu of contesting the citation in court.
3. Plaintiff Howard elected to enter the diversion program and paid a \$230 fine. Plaintiff Kilgore has not paid any fine or requested a court date to Defendants' knowledge. Plaintiffs now allege that the traffic enforcement system is unconstitutional.

4. The Complaint should be dismissed pursuant to Rule 12(b)(6) and Rule 9 because it does not state viable constitutional claims, state law claims, and fails to plead fraud with particularity.
5. In the alternative, Plaintiffs' requests for injunctive and declaratory relief should be stayed.
6. Lastly, Plaintiffs request for class certification should be denied for failure to plead jurisdiction under § 1331 and for lack of minimal diversity.

WHEREFORE, the Court should dismiss the complaint with prejudice, or in the alternative, stay injunctive and declaratory relief.

Respectfully submitted, this the 14th day of April, 2025.

/s/ S. Mitchell McCauley
S. MITCHELL MCCAULEY (MSB NO. 106498)
Attorney for Defendant, Intellisafe, LLC

ROBERT W. WILKINSON (MSB No. 7215)
S. MITCHELL MCCAULEY (MSB No. 106498)
Wilkinson, Williams, Bosio & Sessoms, PLLC
734 Delmas Avenue (39567)
Post Office Box 1618
Pascagoula, MS 39568-1618
Tel: (228) 762-2272; Fax: (228) 762-3223
rwilkinson@wwbslaw.com
mmccauley@wwbslaw.com